



# Kentucky's Environment Online

The Bimonthly Newsletter of the Environmental Quality Commission  
March/April 2004

Volume 20, Issue 2 Page 1

[Calendar](#)

[Public Notices](#)

[Grants/Funding Opportunities](#)

[State News](#)

[EQC Activities](#)

## More Appointments made to Environmental and Public Protection Cabinet



Gov. Ernie Fletcher has made several appointments to the Environmental and Public Protection Cabinet.

### Department for Environmental Protection.

**Lloyd Cress Sr.**, of Lexington was appointed as commissioner of the Department for Environmental Protection to oversee the Divisions of Water, Air, Waste and Environmental Services. Cress served as assistant attorney general for the Commonwealth and as the general counsel for the Kentucky Water Pollution Control Commission, before working as environmental counsel for Ashland Inc. and as Director of Environmental Affairs for the Kentucky Chamber of Commerce. Cress earned a bachelor's degree in 1960 and his law degree in 1962 from the University of Kentucky.

**Department for Natural Resources - Susan Bush** of Lawrenceburg, a geologist, was appointed as commissioner of the Department for Natural Resources. Bush previously served with the former Natural Resources and Environmental Protection Cabinet from 1980 to 1991. Bush has recently served as project manager for Third Rock Consultants, an environmental consulting group in Lexington. As commissioner of Natural Resources Bush will head forestry, mining, land conservation and energy activities.

**Regulatory Affairs - Scott Smith** of Lexington was appointed as manager of Regulatory Affairs in the Office of the Secretary. Smith began his career in the coal mining industry. For the past 15 years he operated Smith Management Group, which provided environmental, financial management, strategic planning and business development consulting services. Smith will oversee the regulatory process in the cabinet.

[continued Page 7... see Cabinet Appointments](#)



## Earth Day Celebration Planning Activities in Kentucky Underway

April 22 is the 34th anniversary of Earth Day and the Environmental and Public Protection Cabinet along with other government agencies have big plans to celebrate this event.

Activities include everything from family hikes and award ceremonies to reading and writing events to celebrate the state's natural heritage and focus awareness on the value of a clean and healthy environment. To learn about these activities and what is going on in your community visit the state's new Earth Day Web site at [www.environment.ky.gov/earthday](http://www.environment.ky.gov/earthday)

Also, there is still time to nominate someone for an EQC Earth Day award. Submit your nomination electronically at the EQC Web site [www.eqc.ky.gov](http://www.eqc.ky.gov) or mail it to EQC by March 20.

## In this Issue:

[Cabinet organizational structure takes shape... page 2](#)

[Public hearing Catlettsburg Refinery...page 4](#)

[Comments sought on excess spoil fills...page 4](#)

[EQC proposes measures to protect children's health...page 6](#)

[EQC March 5 Public Meeting to focus on environmental decisionmaking...page 7](#)

**The Environmental Quality Commission** is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues and monitors environmental conditions.

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Address - Environmental Quality Commission, 14 Reilly Road, Frankfort, KY 40601

### **EQC Commissioners:**

Lindell Ormsbee, *Chair*

Lexington

Betsy Bennett, *Vice-Chair*  
Louisville

Aloma Dew, *Owensboro*

Patty Wallace, *Louisia*

Gary Revlett, *Shelbyville*

Gordon Garner, *Prospect*

### **EQC Staff:**

Leslie Cole, *Executive Director*

Erik Siegel

Frances Kirchhoff



[Calendar](#)

[Public Notices](#)

[Grants/Funding Opportunities](#)

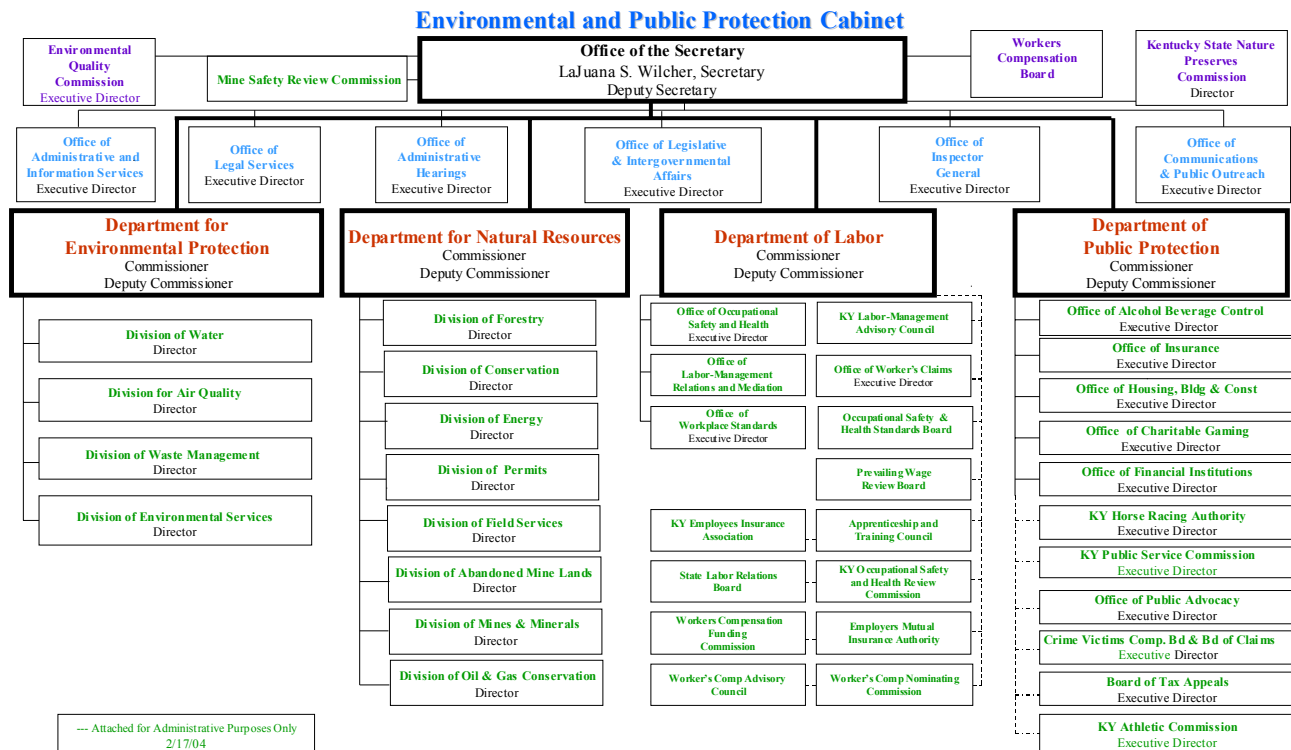
[State News](#)

[EQC Activities](#)

## STATE NEWS

### EPPC Cabinet Organizational Structure Takes Shape

The Environmental and Public Protection (EPPC) now numbers some 3,400 employees and continues to take shape under a new organizational structure. Below is the current organizational chart of the cabinet. Gov. Fletcher has proposed a \$645 million budget for the cabinet for fiscal year 2005 and \$646 million for fiscal year 2006 of which 15 percent is general fund appropriations. The remainder of the budget will be funded with restricted funds (fees and other revenue and nonrevenue sources) and federal funds. To view the budget bill visit <http://www.lrc.state.ky.us/record/04rs/HB395.htm>. To view Gov. Fletcher's budget request see <http://www.osbd.state.ky.us/2004-2006%20Executive%20Budget.htm>



### Two Counties Exceed Particulate Standard in Kentucky

Air quality monitors in Jefferson and Fayette counties have demonstrated that the two counties exceed a new federal air quality standard for fine particulate matter known as PM 2.5. As a result, the Environmental and Public Protection Cabinet (EPPC) has designated these two counties to be in nonattainment of the PM 2.5.

The cabinet deferred a decision on Boyd County because of significant decreases in the levels of pollutants, a decline in emissions in Boyd County, and the current anticipated improvements in air quality in the tri-state metropolitan statistical area over the next two years. All other Kentucky counties were determined to be in compliance with the standard.

*continued Page 7 -- see Particulates*



# Kentucky's Environment Online

The Bimonthly Newsletter of the Environmental Quality Commission  
March/April 2004

Volume 20, Issue 2 Page 3

[Calendar](#)

[Public Notices](#)

[Grants/Funding Opportunities](#)

[State News](#)

[EQC Activities](#)

## CONFERENCE CALENDAR

### **Feb. 26 - What Does the Future Hold for Our Watershed? Salt River Watershed Watch Annual**

**Conference.** Henry Vogt Building, University of Louisville. *Contact: Russ Barnett e-mail [r.barnett@louisville.edu](mailto:r.barnett@louisville.edu)*

**March 4,5 - Kentucky Ground Water Association's Meeting and 19th Annual Drillers' Workshop/Trade Show.** Holiday Inn North, Lexington. *Contact: Holly Lyell or Alan Burgess (270) 251-3004.*

**March 5 - Erosion Protection and Sediment Control Workshop.** Clark County Extension Office. *Contact: John Haddix (859) 744-7019 e-mail [jhaddix@winchesterky.com](mailto:jhaddix@winchesterky.com) or see [www.watershedtraining.net/erosion.htm](http://www.watershedtraining.net/erosion.htm)*

**March 6 - Elk Watching Tour.** Jenny Wiley State Park. *Contact: Ron Vanover, (606) 886-2711, ext. 2269, e-mail [rvanover@se-tel.com](mailto:rvanover@se-tel.com) or see <http://www.kystateparks.ky.gov/ekyframes/jwelksighting.htm>*

**March 18,19 - Environmental, Health and Safety Symposium.** Cincinnati Convention Center. *See [www.MECseminars.com](http://www.MECseminars.com)*

**March 21-25 - 47th Annual Kentucky Water and Wastewater Operators' Conference.** Executive Inn Riverfront, Owensboro. *Contact: Jimmy Grimm or Darra Rankin (270) 444-0522 e-mail [grimm@pwwky.com](mailto:grimm@pwwky.com) or [drankin@pwwky.com](mailto:drankin@pwwky.com) or see [www.kwwog.org](http://www.kwwog.org)*

**March 21-27 - 6th Annual Commonwealth Cleanup Week.** Statewide event promoting responsible solid waste practices. *Contact: Matt Hackathorn, Div. of Waste Mgmt. (502) 564-6716 or see <http://www.waste.ky.gov/ccw/>*

**March 25 - Workshop on The Environment As Integrating Context for Learning.** Kentucky State University, Frankfort. Development workshop for Kindergarten - 6th grade science, math, reading and social studies teachers on using the environment for motivating kids and for inquiry-based learning. *Contact: Dr. Louise Chawla e-mail [lchawla@gwmail.kysu.edu](mailto:lchawla@gwmail.kysu.edu)*

**April 3,4 - Beginner Backpacking Natural Bridge State Resort Park.** An 8-mile overnight trip in the Daniel Boone National Forest's Red River Gorge for those with little or no experience in backpacking. *Contact: (606) 663-2214 or see <http://parks.ky.gov/events/index.htm> for this and other state park events.*

## PUBLIC NOTICES/HEARINGS - PERMITS

This listing is not official. Contact the various divisions listed for more information about these and other permits.

### **Ky. Division of Water - KPDES Water Discharge Notices/Hearings**

*Contact Ann Workman, (502) 564-3410. See <http://www.water.ky.gov/publicassistance/notices/>*

•**Louisville/Jefferson County Metropolitan Sewer District, West County Wastewater Treatment Plant.** Modifications consist of revising the Wastewater/Storm Water Discharge Regulations to allow for specification of mass allocation of pollutants in applicable significant industrial user permits and revisions to the local discharge limitations. This modification will affect the West County Wastewater Treatment Plant. Public Hearing on March 11, 6 p.m. at the Jefferson County Metropolitan Sewer District Board Room, 700 West Liberty Street, Louisville. See <http://www.water.ky.gov/NR/rdonlyres/D50461DC-8833-43F8-BCA0-C25A7E6C768A/0/200402.pdf>

### **Ky. Division of Waste Management - Solid Waste Notices/Hearings**

*Contact: Anita Young (502) 564-6716 ext. 253.*

•**Maysville-Mason County Landfill** - horizontal expansion to the construction/demolition debris facility. *Direct comments, objections or hearing requests to Ron Gruzesky (502) 564-6716.*

•**BFI Benson Valley Area Landfill**, Frankfort (Franklin Co.) - horizontal expansion of a contained landfill horizontally and vertically by 97 acres. Public hearing on Tues, Feb. 24, at 7 p.m. at Bondurant Middle School, Bondurant Drive, Frankfort. *Contact: Ron Gruzesky(502)564-6716.*

[Continue viewing Public Notices](#)



# Kentucky's Environment Online

The Bimonthly Newsletter of the Environmental Quality Commission  
March/April 2004

Volume 20, Issue 2

Page 4

[Calendar](#)

[Public Notices](#)

[Grants/Funding Opportunities](#)

[State News](#)

[EQC Activities](#)

## ***PUBLIC NOTICES/HEARINGS - PERMITS***

This listing is not official. Contact the various divisions for more information

### **Kentucky Division of Waste Management - Underground Storage Tank Notices**

Contact: Christopher Luffy, (502) 564-6716 ext. 253.

- **Cave Run Food Mart**, Salt Lick (Bath Co.) - Technical review of a Corrective Action Plan.

### **Kentucky Division for Air Quality Permit Notices**

Contact: George Day, (502) 573-3382 or see [http://www.air.ky.gov/homepage\\_repository/Public+Hearings.htm](http://www.air.ky.gov/homepage_repository/Public+Hearings.htm)

- **Catlettsburg Refining LLC** (Boyd Co.) - Permit application for Refinery Modernization Project for new emission units, modifications and removal of some emissions units. Applicability of the PSD regulations is not triggered because there is no significant net emissions increase. Public hearing on March 23, Boyd County Senior Citizens' Center, Louisa St., Catlettsburg at 6 p.m. Contact: John Jump, (502) 573-3382.

- **Marathon Ashland Petroleum LLC**, Catlettsburg, Boyd Co. - (1) Significant Revision Title V Source. (2) Synthetic Minor Construction/Operating Permit (PSD regs do not apply).

- **Trim Masters Inc.**, Bardstown, Nelson Co.- Conditional Major Source Construction/Operating Permit (Title V does not apply)

- **Texwood Industries Inc.** Mt. Sterling, Montgomery Co. - Title V

- **Continental Web Press Inc.**, Walton, Boone Co. - (1) Renew Conditional Major Permit. (2) Synthetic Minor Operating Permit (PSD regs do not apply).

**Revision to State Implementation Plan** — Public hearing on March 31, 2004, at 10:00 a.m. (EST) at the Division for Air Quality, 803 Schenkel Lane, Frankfort, to receive comments on a proposed revision to Kentucky's State Implementation Plan for the following 1-hour ozone maintenance areas: Boyd and a portion of Greenup County; Lexington Fayette and Scott Counties; Daviess and a portion of Hancock County; Edmonson County; and Marshall and a portion of Livingston County. See [www.air.ky.gov/homepage\\_repository/Public+Hearings.htm](http://www.air.ky.gov/homepage_repository/Public+Hearings.htm)

### **Ky. Transportation Cabinet Public Notices/Hearings**

To view these and other announcements visit <http://roadprojects.ky.gov/>

- **I-69 Preferred Corridor Linking Henderson and Evansville** - Draft EIS with preferred Alternative 2 which will use 18 miles of existing I-164 and a new alignment across a new Ohio River bridge where it will connect to the Breathitt Parkway in Henderson. The total length is 30.2 miles and will cost \$652 million. A public hearing will be held March 16 at 5 p.m, Henderson High School gymnasium and on March 17 at Reitz High School in Evansville at 5 p.m. See <http://www.i69in-ky.com>.

## ***FEDERAL NOTICES***

- **Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone** (Interstate Air Quality Rule) - The U.S. EPA is proposing to require control measures to reduce emissions of sulfur dioxide (SO<sub>2</sub>) and/or nitrogen oxides (NO<sub>x</sub>) in two phases, with the first phase in 2010 and the second phase in 2015. The proposed emissions reduction requirements are based on controls that are known to be highly cost effective for electric generating units. See <http://www.regulations.gov/freddocs/04-00808.htm>

- **Surface Coal Mining and Reclamation Operations; Excess Spoil; Stream Buffer Zones; Diversions** - the federal Office of Surface Mining is proposing to amend regulations to minimize the environmental effects from excess spoil fill construction by requiring that the coal operator demonstrate the volume of excess spoil is minimized; excess spoil fills associated with a mine are designed to be no larger than needed; alternative configurations for excess spoil disposal, including alternative sizes, numbers and locations of fill are considered; and the proposed excess spoil disposal plan minimizes adverse impacts to the prevailing hydrologic balance, fish, wildlife and related environmental values. See <http://www.regulations.gov/freddocs/04-00266.htm>





# Kentucky's Environment Online

The Bimonthly Newsletter of the Environmental Quality Commission  
March/April 2004

Volume 20, Issue 2 Page 5

[Calendar](#)

[Public Notices](#)

[Grants/Funding Opportunities](#)

[State News](#)

[EQC Activities](#)

## PUBLICATIONS/WEB SITES/NEWS OF INTEREST

- Kentucky Association of Environmental Education** - is sponsoring a writing contest for grades 6 through 12. Winners will receive a cash award and be invited to the 2004 KAEE conference. See [www.kaee.org](http://www.kaee.org)
- Kentucky Water Awareness Month** - May is Kentucky Water Awareness Month. A packet of educational materials is available from the University of Kentucky Environmental and Natural Resources Issues Task Force. See [www.ca.uky.edu/enri/kwam](http://www.ca.uky.edu/enri/kwam) or contact Ashley Osborne (859) 257-2505.
- Cleanup News and Cleanup News II** - is a U.S. Environmental Protection Agency newsletter highlighting national hazardous waste policy developments, enforcement case studies, technology advances, new resources and publications, court cases and more. To be added to the Cleanup News mailing list see <http://www.epa.gov/compliance/resources/newsletters/cleanup/cleanupnews.html>
- U.S. Department of Energy's Smart Communities Network** - Read about other communities that have discovered the benefits of sustainable development; Locate technical and financial resources that can help your community plan and carry out sustainable development projects; and Access model codes and ordinances other communities have used to implement sustainable development. To subscribe to the Smart Communities Network monthly newsletter visit [www.sustainable.doe.gov/forms/maillinglist.shtml](http://www.sustainable.doe.gov/forms/maillinglist.shtml)
- Stream Restoration in Kentucky** - Scientists are restoring two Kentucky creeks in an effort to learn how to rescue waterways damaged by mining and other human activities. In Bullitt County, researchers are working on a nearly 4,000-foot-long stretch of Wilson Creek in Bernheim Forest. In Hickman County, a team is doing the same at Obion Creek. The two restoration projects coincide with the establishment of an interdisciplinary Stream Restoration Institute at the University of Louisville, created with \$1.35 million in federal funding. The institute's purpose is to conduct research and demonstrate how to restore streams. For further information contact Russ Barnett at [r.barnett@louisville.edu](mailto:r.barnett@louisville.edu)

## GRANTS/FUNDING OPPORTUNITIES

- Energy Efficiency Rebates** - The Kentucky Public Service Commission will offer rebates of up to \$1,000 to East Kentucky Power Cooperative Inc (EKPC) customers who incorporate energy-saving features when building a new home. The amount of the rebate will be determined by the distribution cooperative serving the home. The program will be offered through the year 2009. For more information see <http://www.ekpc.com/news.html>
- Environmental Education Grants** - Bluegrass Pride is offering grants to teachers in its 18 county region. See [www.kentuckypride.com](http://www.kentuckypride.com)

### Kentucky's 2nd Annual Youth Environmental Summit

March 21-22, 2004 marks the second annual opportunity for Kentucky's high school students to learn how their communities grow and how an informed citizen's participation in community planning can foster economic development, promote a sense of community and insure a clean and healthy environment. This year's topic is **Transportation, Growth and the Environment**. Students will moderate all sessions at the conference; make presentations about Transportation, Growth and the Environment in their own communities; present their visions for the communities in which they live; and lead small discussion groups. Students will also have opportunities for in depth site visits to places related to Transportation, Growth and the Environment.

For more information call the Kentucky Environmental Education Council (800) 882-5271 or contact Jane Eller e-mail [J.Eller@ky.gov](mailto:J.Eller@ky.gov)





[Calendar](#)

[Public Notices](#)

[Grants/Funding Opportunities](#)

[State News](#)

[EQC Activities](#)

## ***EQC ACTIVITIES***

### **EQC Proposes Measures to Protect Children's Environmental Health**

Last October, EQC brought together experts from across the state and the nation to discuss the linkages between children's health and environmental degradation. Among some of the findings were:

- Six percent of the children tested in Kentucky by local health departments had elevated lead levels in their blood that could lead to brain damage, learning disabilities and lifelong dysfunction compared to the national average of 2.2 percent.
- One out of every two private water wells tested by local health departments detected fecal coliform, an indication that the water may be contaminated and at high risk to children for gastrointestinal illnesses.
- More than 2,000 children in Kentucky under the age of 14 were hospitalized for asthma last year with some of the highest admissions in Jefferson, Pike, Daviess and Graves counties. Ozone pollution, secondhand smoke and other pollutants are suspected of exacerbating asthma in children.

EQC has developed a set of recommendations based on the public forum and input from officials with the U.S. Environmental Protection Agency, the Kentucky Department for Public Health, the University of Louisville School of Medicine and local health departments. The recommendations include the creation of a Children's Environmental Health Partnership composed of experts from across the state to strengthen health surveillance, build public awareness, utilize existing resources, evaluate children's health state standards, prioritize and target high risks, and promote safe and healthy indoor environments.

EQC also recommended the Department for Environmental Protection develop a Toxics Reduction Action Plan to identify high risk toxic chemical releases, encourage reductions and monitor pollutants. To view the full set of recommendations visit [www.eqc.ky.gov](http://www.eqc.ky.gov).



### **EQC Children's Health Recommendations**

**Strengthen Health Surveillance**- Improve collection, coordination and use of health surveillance data to assess children's environmental health and help identify critical areas.

**Build Public Awareness** - Build and strengthen awareness of children's environmental health issues in Kentucky among health care providers, state decision makers, employers, school administrators and the public.

**Utilize Existing Resources** - Promote greater state use of the U.S. Environmental Protection Agency's (EPA) Southeast Pediatric Environmental Specialty Unit at Emory University in Atlanta, which is funded in part by the EPA and seven states in the region, including Kentucky.

**Evaluate Standards** - Evaluate the state's existing public health standards and programs to ensure they incorporate new information and ideas about children's environmental health.

**Prioritize and Target High Risks** - Strengthen tracking of childhood asthma, neurological, learning and behavioral disorders, birth defects, cancer and other childhood diseases through the expanded use of the state Geographic Information System.

**Promote Safe and Healthy Indoor Environments** - Support a statewide initiative to target schools, daycares, homes and other public places to advance safe and healthy pollution-free indoor environments.



### **Public Health Officials Express Support for EQC**

The Kentucky Public Health Association has expressed its support for the Environmental Quality Commission and restoration of the commission's general funding budget. The association recognized EQC as a unified source for environmental data and for bringing together diverse interests to improve public health and the environment. To view the resolution see <http://www.kpha-ky.org/>



[Calendar](#)

[Public Notices](#)

[Grants/Funding Opportunities](#)

[State News](#)

[EQC Activities](#)

## Environmental Quality Commission Public Meeting



### Strengthening State Environmental Decision Making in Kentucky

Friday March 5, 2004

Room 129, Capitol Annex, Frankfort

Science and research have made significant contributions to environmental policy and decisionmaking. Among other things, science attempts to identify, quantify, understand and manage risks to people and the environment. EQC will explore the role of science and research in environmental policy and decisionmaking and discuss ways to improve its use to assess current and future environmental and health vulnerabilities in Kentucky.

**2 p.m. Open Meeting**

**2:05 p.m. 2004 Legislative Session Briefing**

**2:30 p.m. Strengthening State Environmental Decision-making:**

• **Using Biomarkers to Assess Problems**

- Dr. Steve Meyers, Russ Barnett, Univ. of Louisville

**3 p.m. Other Business**

**3:30 p.m. Adjourn**

Visit the EQC Web site at [www.eqc.ky.gov](http://www.eqc.ky.gov) for agenda updates. The public is encouraged to EQC meetings and offer comments. All EQC meetings are free and open to the public. Meeting facilities are accessible to people with disabilities. Auxiliary aids, interpreters and other services will be provided upon request by contacting EQC.

### Continued from Page 1...Cabinet Appointments

**Office of Legal Services** - William "Bill" Emrick, of Ashland, has been appointed to serve as the executive director of the Office of Legal Services. Emrick previously served as a partner in the Ashland law firm McKenzie, Woolery, Emrick & Webb, P.S.C. Emrick has practiced before the U.S. District Court for the Eastern and Western Districts of Kentucky, U.S. Bankruptcy Court and U.S. Court of Appeals for the Sixth Circuit. Emrick earned a bachelor's degree in 1975 and a Juris Doctor degree in 1978 from the University of Kentucky.

### Continued from Page 2...Particulates

Particulate matter consists of particles of dust, soot, smoke and liquid droplets. A variety of sources, such as cars, trucks, buses, wood burning, power plants and other industrial processes, generate particulate matter and other air pollutants that contribute to PM 2.5 concentrations. Particulate matter is believed to aggravate respiratory illnesses such as asthma and bronchitis.

EPA adopted the new PM 2.5 standard in 1997 and states were required to submit a list of counties and their status based on three years of air monitoring. In July of this year EPA will publish a preliminary list approving or disapproving each state's designations and will make final determinations in December of this year.

The federal agency is expected to inform states about how the new standard should be implemented later this year. Kentucky will then be required to update its State Implementation Plan (SIP) outlining how the two areas will come into compliance with the new standard. The SIP revisions must be completed by 2007.